

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA	:	Case No:
	:	
v.	:	VIOLATIONS:
	:	
	:	18 U.S.C. § 1752(a), (b)
JOSHUA MATTHEW BLACK	:	(Restricted Building or Grounds)
	:	
	:	40 U.S.C. § 5104(e)(2)
Defendant.	:	(Violent Entry or Disorderly Conduct)
	:	
	:	<u>FILED UNDER SEAL</u>

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT
AND ARREST WARRANT

I, Jeffrey Weeks, being first duly sworn, hereby depose and state as follows:

PURPOSE OF AFFIDAVIT

1. This Affidavit is submitted in support of a Criminal Complaint charging JOSHUA MATTHEW BLACK (hereinafter “BLACK”) with violations 18 U.S.C. § 1752(a), (b), and 40 U.S.C. § 5104(e).

2. I respectfully submit that this Affidavit establishes probable cause to believe that BLACK (1) did knowingly enter or remain in any restricted building or grounds without lawful authority, or did knowingly, and with intent to impede or disrupt the orderly conduct of Government business or official functions, engage in disorderly or disruptive conduct while in possession of a dangerous weapon, and (2) did willfully and knowingly engage in disorderly or disruptive conduct, at any place in the Grounds or in any of the Capitol Buildings with the intent to impede, disrupt, or disturb the orderly conduct of a session of Congress or either House of Congress, or the orderly conduct in that building of any deliberations of either House of Congress. Specifically, on or about January 6, 2021, BLACK traveled to Washington, D.C., and knowingly and willfully joined and encouraged a crowd of individuals who forcibly entered the U.S. Capitol

and impeded, disrupted, and disturbed the orderly conduct of business by the United States House of Representatives and the United States Senate.

BACKGROUND OF AFFIANT

3. I am a Special Agent with the Federal Bureau of Investigation (“FBI”) and have been since April 2005. I am currently assigned to a complex financial crimes squad at the Washington Field Office of the FBI. I have served as a supervisory special agent in counterterrorism investigations, and I have training and experience in interview and interrogation, evidence recovery, and source recruitment. My involvement in this investigation has included interviewing witnesses and reviewing video and photographic records and evidence. Unless otherwise stated, the information in this Affidavit is either personally known to me, has been provided to me by other individuals, or is based on a review of various documents, records, and reports. Because this Affidavit is submitted for the limited purpose of establishing probable cause to support an application for an arrest warrant, it does not contain every fact known by me or the United States. The dates listed in this Affidavit should be read as “on or about” dates.

PROBABLE CAUSE

4. The U.S. Capitol, which is located at First Street, SE, in Washington, D.C., is secured 24 hours a day by U.S. Capitol Police. Restrictions around the U.S. Capitol include permanent and temporary security barriers and posts manned by U.S. Capitol Police. Only authorized people with appropriate identification are allowed access inside the U.S. Capitol. On January 6, 2021, the exterior plaza of the U.S. Capitol was closed to members of the public.

5. On January 6, 2021, a joint session of the United States Congress convened at the United States Capitol, which is located at First Street, SE, in Washington, D.C. During the joint session, elected members of the United States House of Representatives and the United States Senate were

meeting in separate chambers of the United States Capitol to certify the vote count of the Electoral College of the 2020 Presidential Election, which had taken place on November 3, 2020. The joint session began at approximately 1:00 p.m. Vice President Mike Pence was presiding in the Senate Chamber.

6. With the joint session underway and with Vice President Mike Pence presiding, a large crowd gathered outside the U.S. Capitol. Temporary and permanent barricades surround the exterior of the U.S. Capitol Building. U.S. Capitol police were present and attempting to keep the crowd away from the Capitol buildings and the proceedings underway inside.

7. At approximately 2:00 p.m., certain individuals in the crowd forced their way through, up, and over the barricades and officers of the U.S. Capitol Police, and the crowd advanced to the exterior facade of the building. At such time, the joint session was still underway, and the exterior doors and windows of the U.S. Capitol were locked or otherwise secured. Members of the U.S. Capitol Police attempted to maintain order and keep the crowd from entering the Capitol. Shortly after 2:00 p.m., however, individuals in the crowd forced entry into the U.S. Capitol, including by breaking windows.

8. Shortly thereafter, at approximately 2:20 p.m., members of the United States House of Representatives and the United States Senate, including the President of the Senate, Vice President Mike Pence, were instructed to--and did--evacuate the chambers. Accordingly, the joint session of the United States Congress was effectively suspended until shortly after 8:00 p.m. Vice President Pence remained in the United States Capitol from the time he was evacuated from the Senate chamber until the session resumed.

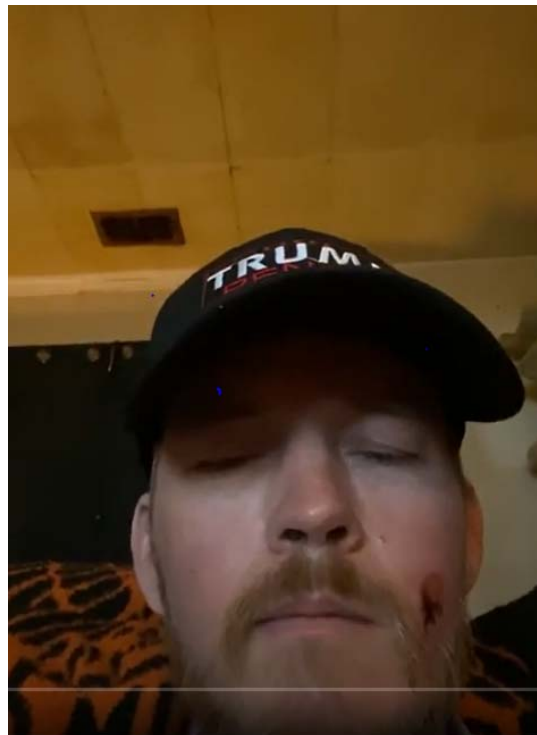
9. After forcing entry into the U.S. Capitol, several individuals made their way into the Senate chamber. During national news coverage of the aforementioned events, video footage

which appeared to be captured on mobile devices of persons present on the scene depicted evidence of scores of individuals inside the U.S. Capitol building without authority to be there, in violation of Federal laws.

10. Photographs and videos of several of these persons were disseminated via social media and other open source online platforms. Those persons include the person depicted below wearing the red hat, camouflage jacket, and yellow gloves, who appears to be bleeding from his left cheek. Law-enforcement officials have probable cause to believe that person is BLACK, who resides in Leeds, Alabama:



11. On January 8, 2021, an individual using the username “LetUs Talk” posted two videos on YouTube. The following picture is a screenshot of the person speaking in the videos:



12. Like the person appearing to be BLACK on the floor of the Senate chamber, the person speaking in the YouTube videos (hereinafter, the “Individual”) appears to have blood on his left cheek. In the YouTube videos, the Individual describes how he suffered a wound to his face when he was shot with a projectile.

13. In the YouTube videos, the Individual discusses entering the Capitol and the floor of the Senate chamber on January 6, 2021. The Individual explained, “Once we found out Pence turned on us and that they had stolen the election, like officially, the crowd went crazy. I mean, it became a mob. We crossed the gate.” The Individual later said, “We just wanted to get inside the building. I wanted to get inside the building so I could plead the blood of Jesus over it. That was my goal.” The Individual also admitted to possessing a dangerous weapon: “I actually had a knife on me, but they never...I had too much clothes on, it was freezing out there, you know, so. I

never, I wasn't planning on pulling it. I just carry a knife because I do. I work outside, and you need knives, you know. I just, you're not allowed to carry guns in DC and I don't like being defenseless.”

14. This individual also said that, once inside the Capitol, he “found a little spot, and there was a glass door, and it said ‘US Senate’ on it. I said I need to get in there. I just felt like the spirit of God wanted me to go in the Senate room, you know. So I was about to break the glass and I thought, no, this is our house, we don’t act like that. I was tempted to, I’m not gonna lie. Cause I’m pretty upset. You know? They stole my country.” Later, describing what he did once inside the Senate chamber, the Individual stated, “I had accomplished my goal. I pled the blood of Jesus on the Senate floor. You know. I praised the name of Jesus on the Senate floor. That was my goal. I think that was God’s goal.”

15. On January 7, 2021, an anonymous individual called the FBI and admitted that he broke into the Capitol and entered the Senate chamber with other individuals. The anonymous individual called from a telephone number associated with BLACK of Alabama.

16. The FBI released the following poster to the public as part of its effort to identify people who were located inside the Capitol on January 6, 2021:



17. On January 10, 2021, a member of the public called the FBI National Threat Operations Center to report that BLACK is one of the people depicted in Photograph #6.

18. The caller who identified Black in Photograph #6 stated he/she knew BLACK when residing in Alabama approximately 15 years ago, and that he/she are friends with acquaintances of BLACK.

19. Law-enforcement agents retrieved a driver's license photo of BLACK and confirmed that BLACK's driver's license photo bore a resemblance to the individual in Photograph #6 and the individual who posted the two YouTube videos on January 8, 2021.

20. On January 8, 2021, BLACK voluntarily met with a Special Agent of the FBI in Moody, Alabama. During that meeting, BLACK stated he recorded YouTube videos detailing his experience entering the Capitol and Senate chamber. The Special Agent who interviewed BLACK observed that BLACK had an injury on his left cheek.

CONCLUSIONS OF AFFIDAVIT

21. Based on the foregoing, your affiant submits that there is probable cause to believe that BLACK violated:

- a. 18 U.S.C. § 1752(a), which makes it a crime to (1) knowingly enter or remain in any restricted building or grounds without lawful authority to do; (2) knowingly, and with intent to impede or disrupt the orderly conduct of Government business or official functions, engage in disorderly or disruptive conduct in, or within such proximity to, any restricted building or grounds when, or so that, such conduct, in fact, impedes or disrupts the orderly conduct of Government business or official functions; (3) knowingly, and with the intent to impede or disrupt the orderly

conduct of Government business or official functions, obstruct or impede ingress or egress to or from any restricted building or grounds; or (4) knowingly engage in any act of physical violence against any person or property in any restricted building or grounds; or attempts or conspires to do so. For purposes of Section 1752 of Title 18, a restricted building includes a posted, cordoned off, or otherwise restricted area of a building or grounds where the President or other person protected by the Secret Service is or will be temporarily visiting; or any building or grounds so restricted in conjunction with an event designated as a special event of national significance; and

- b. 40 U.S.C. § 5104(e)(2), which makes it a crime for an individual or group of individuals to willfully and knowingly (A) enter or remain on the floor of either House of Congress or in any cloakroom or lobby adjacent to that floor, in the Rayburn Room of the House of Representatives, or in the Marble Room of the Senate, unless authorized to do so pursuant to rules adopted, or an authorization given, by that House; (B) enter or remain in the gallery of either House of Congress in violation of rules governing admission to the gallery adopted by that House or pursuant to an authorization given by that House; (C) with the intent to disrupt the orderly conduct of official business, enter or remain in a room in any of the Capitol Buildings set aside or designated for the use of— (i) either House of Congress or a Member, committee, officer, or employee of Congress, or either House of Congress; or (ii) the Library of Congress; (D) utter loud, threatening, or abusive language, or engage in disorderly or disruptive conduct, at any place in the Grounds or in any of the Capitol Buildings with the intent to impede, disrupt, or disturb the

orderly conduct of a session of Congress or either House of Congress, or the orderly conduct in that building of a hearing before, or any deliberations of, a committee of Congress or either House of Congress; (E) obstruct, or impede passage through or within, the Grounds or any of the Capitol Buildings; (F) engage in an act of physical violence in the Grounds or any of the Capitol Buildings; or (G) parade, demonstrate, or picket in any of the Capitol Buildings.

As such, I respectfully request that the court issue an arrest warrant for BLACK.

The statements above are true and accurate to the best of my knowledge and belief.



SPECIAL AGENT JEFFREY WEEKS
FEDERAL BUREAU OF INVESTIGATION

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone, this 13th day of January, 2021.



Robin M. Meriweather
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HON. ROBIN M. MERIWEATHER
U.S. MAGISTRATE JUDGE